

REMARKS

This Amendment is made to the Final Action mailed July 15, 2010. A Terminal Disclaimer accompanies this Amendment. In addition, a Supplemental Information Disclosure Statement is enclosed. Claims 9, 10, and 14-18 have been cancelled without prejudice. To the extent that the cancelled claims relate to non-elected subject matter, Applicants reserve the right to file one or more continuation or divisional applications directed to that subject matter. Claims 1, 11 and 13 have been amended in order to recite elected subject matter. New claims 39-41 have been added and are directed to methods of treatment comprising administering a compound of formula (I), as recited in amended claim 1, now directed to elected subject matter. Since these claims are now commensurate in scope with the compound claims, Applicants request that claims 39-41 be rejoined into the prosecution of this application. Accordingly, claims 1-8, 11, 13, 19 and 39-41 are now pending in this application. Applicants urge that the amendments place the claims into condition for allowance or, into better condition for appeal. Entry of the amendments and reconsideration and withdrawal of the objections to and rejections of this application are respectfully requested.

The rejection of claims 1-11, 13-22 (claims 20-22 having been cancelled) in view of co-pending U.S. Application Nos. 11/575,416 (Attorney Docket No. PU61051) and 11/931,189 (Attorney Docket No. PU61432), under the judicially created doctrine of obviousness-type double patenting, has been maintained. Although Applicants do not agree with the rejection, in order to facilitate allowance of this application, a Terminal Disclaimer is enclosed in compliance with 37 CFR 1.321 and 37 CFR 3.73(b).

This Amendment is intended to further this case to allowance by addressing each ground of objection and rejection in the Action. Reconsideration of this application is respectfully requested. Should the Examiner have any questions regarding this application, the Examiner is invited to call the undersigned attorney.

Respectfully Submitted,

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